

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

KATHERINE LEACH, GARRY K. LEACH, §
MARK BROWDER, TERRI BROWDER, on §
behalf of themselves and those Similarly §
situation, §
Plaintiffs, §
v. §
GATEWAY CHURCH, ROBERT MORRIS, §
THOMAS M. LANE, KEVIN L. GROVE, §
STEVE DULIN, §
Defendants. §

Civil Action No. 4:24-cv-000885-ALM

**PLAINTIFFS' MOTION TO COMPEL INITIAL DISCLOSURES AND
RELATED DOCUMENTS**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Pursuant to Federal Rule of Civil Procedure 37(a), Plaintiffs move to compel Defendants Gateway Church and Robert Morris to serve their initial disclosures and produce related documents in this case. The initial disclosures were due January 13, 2025 (three days before the status report was due). To date, Defendants Gateway Church and Morris have not served any documents with the initial disclosures or following the initial disclosures.

Plaintiffs' counsel conferred multiple times with counsel for Gateway (Ron Breaux from Haynes & Boone) who stated that he first needed a protective order and inferred he wanted to wait for the Court to rule on the pending motion to stay discovery. Plaintiffs' counsel sent the standard Eastern District of Texas ("EDTX") Protective Order. However, Gateway has refused to use the standard order and instead created a wholly unacceptable marked up version of the EDTD standard protective order.

Defendants have not filed an Answer to the live Complaint. Defendants have a pending Motion to Dismiss. *See* Docs. 24 and 58.

I.

ARGUMENT AND AUTHORITIES

Federal Rule of Civil Procedure 37(a)(3)(A) permits Plaintiffs to move to compel Defendants to provide initial disclosures. Defendants' failure to timely provide initial disclosure documents as required under Rule 26(a)(1) cannot be excused. For purposes of clarity, Gateway did provide actual disclosures but has produced no documents to date. Defendants' stance and actions are strictly prohibited by this Court:

LOCAL RULE CV-26 Provisions Governing Discovery; Duty of Disclosure

(a) **No Excuses.** Except in cases involving qualified immunity or a court order to the contrary, a party is not excused from responding to discovery because there are pending motions to dismiss, to remand, or to change venue.

Defendants are not exempt from compliance with the rules. *See Hyland v. Bayview Loan Servicing, LLC*, 2014 WL 12923987, *1 (E.D. Tex. 2014) (citing *Oviedo v. Lowe's Home Improvement, Inc.*, 184 Fed. App'x 411, 413 (5th Cir. 2006)).

II.

PRAYER

For these reasons, Plaintiffs respectfully request for the Court to enter an order compelling Defendants to provide initial disclosures and produce related documents in this case under Federal Rule of Civil Procedure 26(a)(1) within 14 days.

Respectfully submitted,

/s/T. Micah Dortsch

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF CONFERENCE

In accordance with Local Rule CV-7(h), Plaintiffs' counsel has conferred by email with

Defendants to resolve the matters presented in the Motion. Defendants oppose this Motion.

/s/ T. Micah Dortsch

T. MICAH DORTCH

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served on March 22, 2025, with a copy of this document by electronic means via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ T. Micah Dortch

T. MICAH DORTCH